



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,837	08/25/2003	Robert D. Foxwell	51449-00211	2888

7590 09/09/2004

Atty: Robert C. Baker  
R. C. BAKER & ASSOCIATES, LTD.  
200 TCF Bank Building  
12751 Nicollet Avenue  
Burnsville, MN 55337-2890

EXAMINER

SALDANO, LISA M

ART UNIT	PAPER NUMBER
----------	--------------

3673

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/647,837

Applicant(s)

FOXWELL, ROBERT D.

Examiner

Lisa M. Saldano

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 7, 8, 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graf (3,587,874) in view of Robinson (5,671,693).

Graf discloses a boat supporting and launching device comprising a pair of rails 11 braced in parallel and laterally spaced apart relationship by bolts 14,15 that extend through the longitudinal rails and function as cross braces. Figs.1-3 illustrate the invention relative to a body of water wherein the various embodiments of the invention have a water end located nearest a body of water and a shore end located nearest a shore. Graf discloses the ramp body 10 located on footing members 26, wherein the footing members 26, 26a and 26b as illustrated in Figs.3 and 7 depict at least a transverse footprint brace 26 and transverse footprint stabilizer bar 26b mounted to the underside of the rails 11 (NOTE: a bar is interpreted as an elongated member that is longer than it is wide (see definition of bar as published by Merriam-Webster's Collegiate Dictionary, 10<sup>th</sup> edition). Graf discloses that the brace and bar (26, 26b) are mounted to the underside of the rails such that the transverse length of the bar is greater than the length between

Art Unit: 3673

the rails. A loading assembly in form of a winch 29 is located at the shore end for drawing the watercraft onto the entire watercraft-supporting assembly. Note that Graf further discloses a variant of the invention whereby an end stabilizer 23 is rigidly mounted to the underside of the rails 11. The end stabilizer also forms a transverse footprint and is greater in transverse length than the length between rails 11.

Regarding claim 9, Graf further discloses brackets 27,28 that function as leg portions or stubs to elevate the rails over the stabilizer bar.

Regarding claim 11, Graf discloses a winch 29 and a support beam 12 mounted rigidly to end stabilizer 23.

However, Graf fails to disclose that the rails are at least 8 inches apart. Graf also fails to disclose that the stabilizer bar 26b itself is rigidly mounted to the underside of the rails 11.

Robinson discloses a pontoon boat mooring system comprising leg portions 54,60 (see Fig.2) that are parallel to one another and are separated by approximately six to eight inches (see column 4, lines 20-25).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Graf to comprise one variant wherein the ramp comprises a footprint stabilizer bar 26b rigidly attached to rails 11, as Graf teaches with the end stabilizer 23, in combination with rails supported by leg portions such as Graf's brackets 27,28, wherein the brackets/leg portions are parallel to one another and separated by approximately 6-8 inches, which suggests and does not preclude rails distances of at least 8 inches, as suggested with motivation from Robinson. These modifications in no way destroy the basis of the Graf invention, but enhance it by providing a distance wherein the length of Graf's keel rollers 15

Art Unit: 3673

may accommodate watercraft with slightly wider keels than the version of the invention explicitly illustrated by Graf.

Furthermore, regarding claims 7 and 8, the disclosure of Graf discloses rails that are well within the limitations of having a length of at least about 7 feet, and a bar that has a transverse length greater than 2 feet. Moreover, the applicant has not disclosed the criticality of the claimed dimensions.

3. Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graf in view of Robinson, as applied to claim 1 above, in further view of Slikkers (5,904,113).

Graf and Robinson disclose features as described above. Specifically, Graf discloses rails in combination with keel rollers for supporting a watercraft by a body of water.

However, Graf and Robinson fail to disclose that each rail is equipped with a roller wheel such that the roller projects beyond the water end of the rails as well as upward above the water end of the rails.

Slikkers discloses a watercraft support assembly wherein the assembly comprises a keel roller 46 mounted at a central located between support brace 34, 42 such that the roller projects beyond the water end of the rails as well as upward above the water end of the rails.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the keel roller teaching of Slikkers to the watercraft support assembly, taught by Graf and modified by Robinson, because Graf teaches a roller located at the water end of the assembly to facilitate loading of the craft onto the ramp. Slikkers' keel roller is an example of a commonly used type of roller to further facilitate loading of the watercraft onto the ramp. Furthermore, it

Art Unit: 3673

would have been obvious to one of ordinary skill in the art at the time of the invention to place the rollers at any location whereby the can rotatable support the watercraft, as suggested by by Graf and Slikker's. Regarding claims 3, 4 and 5, the exact placement of the roller wheels relative to the rails is a matter of design choice and the applicant has not provided evidence as to the criticality of placement of the roller relative to the underside of the rails, bar and brace.

4. Claims 6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graf in view of Robinson, as applied to claim 1 above, in further view of Gibbs (6,273,016).

Graf and Robinson disclose features as described above. Specifically, Graf discloses a loading assembly in form of a winch 29 is located at the shore end for drawing the watercraft onto the entire watercraft-supporting assembly.

However, Graf and Robinson fail to disclose a winch support beam non-pivotally mounted so as to canteliever beyond a shore end of the rails in angular relationship to the length of the rails.

Gibbs discloses a watercraft support assembly 310 (see Fig.7 and column 15, lines 40-68) comprising a winch support beam 357 that is upwardly cantilevered out beyond the shore end of the assembly in an angular relationship to the axles of the assembly's supporting wheels as well as in an angular relationship to the watercraft's hull 313. A pair of brace arms 381, 382 are mounted in an opposing relationship to the winch support beam and are rotatably mounted at 385 on axles extending between side roller wheels 335. Gibbs discloses that the winch support beam 357 can be located in a position that is no greater than 35 degrees relative to the plane on which

Art Unit: 3673

the watercraft support assembly is resting. Gibbs further discloses that the mounting locations of the bracing arms may also be located on a cross brace 432 of the watercraft-supporting assembly (see Fig. 14). The winch support beam is located such that the bow end of a watercraft may extend out beyond the shore end of the supporting wheels 335 and over at least one-half the length of the winch support beam. Gibbs further discloses side walls 362 for mounting the winch support beam to at 364.

It would have been obvious to one of ordinary skill in the art to apply the angular and cantilevered winch support beam teaching of Gibbs to the watercraft support assembly of Graf because it is common for watercraft ramps or trailers to provide an angular winch support beam in order to maximize the distance a watercraft may be advanced on the ramp.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa M. Saldano whose telephone number is 703-605-1167. The examiner can normally be reached on Monday-Friday, 8:30am-5:30pm.

Art Unit: 3673

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather C. Shackelford can be reached on 703-308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lms



**HEATHER SHACKELFORD**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3600**